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10/654,412

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EXAMINER

CHAVIS, JOHN Q

ART UNIT

PAPER NUMBER

2193

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/654,412

Applicant(s)

RAO ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-14 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-14 and 18-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/10/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-12, 14, and 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Spencer et al. (20030131226).

Claims

Claim 10. A method of generating update packages for updating software in a mobile electronic device capable of employing the component architecture platform (CAP) framework, the method comprising:

retrieving an existing and an updated version of code;

determining which program components to modify;

generating an update package having modules corresponding to those program components to be modified; and

generating an associated reference

Spencer

See the title, abstract, fig. 1 and sect. 0001.

See sects. 0008-0009.

See sect. 0030, which detects currently installed software and firmware components and schedule downloads, such as version upgrades.

See the missing components and older version of components which are transferred by the configuration manager in sect. 0040.

The reference lookup table is

lookup table having entries corresponding to those program components to be modified.

considered represented by the "configuration list" in sect. 0040.

Claim 11. The method according to claim 10, wherein determining which program components to modify comprises determining program components to be one left unchanged, deleted, added, and modified, and wherein program components left unchanged are not included in the update package.

See the cited portions of claim 10 above, specifically see again sect. 0040.

Claim 12. The method according to claim 10, wherein the update package and the associated reference lookup table modifications are adapted for transfer to an embedded system in the electronic device as one of a single program unit and two different related program units transferred when the electronic device is updated.

See fig. 2 item 230, which is considered to provide for transferring components as a single program unit.

Claim 14. The method of claim 10, wherein the update package comprises information for adding new modules, and further comprising: replacing existing modules with new modules; and updating the associated reference lookup table.

See the cited portions of claim 10 above.

Claims 18-25 are rejected as claim 1 in view of fig. 1 and sect. 0047. The electronic device is considered to consist of the processor and the primary and the secondary memory; since items like the lookup table and the management unit does not create or enable a new device. Furthermore software stored in memory also does not

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enable a new device and the processor and memories appear to be individual components that do not interact until claim 20.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer as applied to claim 10 above, and further in view of Yang (2004/0040020).

Claim 13. The method of claim 10, wherein the update package is adapted to facilitate update by an update agent in the electronic device.

Spencer does not teach the use of an update agent; however, the feature is taught by Yang to Enable firmware updates via an agent to enable a determination of whether the update is appropriate and to assist in configuration of updates. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the agent in Spencer's system for the same reason.

As per claims 26-32, Spencer does not teach or suggest the feature of executing instructions form a pipeline; however, the feature is considered merely a design choice to enable as established order of execution of components. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to enable executions via a pipeline to ensure that components that require a particular

order of execution has its required components loaded as needed, see Spencer's sect. 0004. Furthermore, the "computer environment" is considered an apparatus and therefore, the only components that make up the apparatus are considered the processor. A lookup table and a table management unit are not considered to provide a new apparatus. Furthermore, the applicant lists each of the components (lookup table and table management unit as being capable of providing some function, which means they actually perform no function; but, have the capability to perform the specified functions. Spencer's configuration list is considered to provide for the lookup table function and the configuration manager in fig. 1 is considered to provide for the management function.

5. Claims 10-12, 14, and 18-25 are rejected under 35 U.S.C. 102 (b) as being anticipated by Sharon (WO0011549).

Claims

Claim 10. A method of generating update packages for updating software in a mobile electronic device capable of employing the component architecture platform (CAP) framework, the method comprising:

retrieving an existing and an updated version of code;

determining which program components to modify;

generating an update package having modules corresponding to those program components to be modified; and

Sharon

See the title, abstract.

See page 1 line 13-page 2 line 11.

See page 2 lines 9-29.

See the missing components and older version of components which are transferred by the configuration manager in sect. 0040.

generating an associated reference lookup table having entries corresponding to those program components to be modified.

See page 5 lines 22-29.

Claim 11. The method according to claim 10, wherein determining which program components to modify comprises determining program components to be one left unchanged, deleted, added, and modified, and wherein program components left unchanged are not included in the update package.

See the cited portions of claim 10 above. Also, see page 5 lines 1-9.

Claim 12. The method according to claim 10, wherein the update package and the associated reference lookup table modifications are adapted for transfer to an embedded system in the electronic device as one of a single program unit and two different related program units transferred when the electronic device is updated.

See page 26 line 25-page 27 line 6.

Claim 14. The method of claim 10, wherein the update package comprises information for adding new modules, and further comprising: replacing existing modules with new modules; and updating the associated reference lookup table.

See the cited portions of claim 10 above.

Claims 18-25 are rejected as claim 1 in view of page 1 lines 5-15 and claims 16 in view of claim 21. The electronic device is considered to consist of the processor and the primary and the secondary memory; since items like the lookup table and the management unit does not create or enable a new device. Furthermore software stored

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in memory also does not enable a new device and the processor and memories appear to be individual components that do not interact until claim 20.

6. Claims 13 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharon as applied to claim 10 above, and further in view of Yang.

Claim 13. The method of claim 10, wherein the update package is adapted to facilitate update by an update agent in the electronic device.

Sharon does not teach the use or an update agent; however, the feature is taught by Yang to Enable firmware updates via an agent to enable a determination of whether the update is appropriate and to assist in configuration of updates. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the agent in Sharon's system for the same reason.

As per claims 26-32, Sharon does not teach or suggest the feature of executing instructions form a pipeline; however, the feature is considered merely a design choice to enable as established order of execution of components. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to enable executions via a pipeline to ensure that components that require a particular order of execution has its required components loaded as needed. Furthermore, the "computer environment" is considered an apparatus and therefore, the only components that make up the apparatus are considered the processor. A lookup table and a table management unit are not considered to provide a new apparatus. Furthermore, the applicant lists each of the components (lookup table and table management unit as



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being capable of providing some function, which means they actually perform no function; but, have the capability to perform the specified functions. Sharon's page 11 line 29-col. 12 line 15 provides for the lookup table function via his data table and the management function, although not specifically mentioned it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the feature in Sharon;s system to control updating of the data entries.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis  
Primary Examiner AU-2193